

**Senate File 478 - Introduced**

SENATE FILE 478  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SF 316)

**A BILL FOR**

1 An Act relating to the provision of supported community living  
2 services under Medicaid home and community-based services  
3 waivers, and including effective date and retroactive  
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   MEDICAID HOME AND COMMUNITY-BASED SERVICES  
2   WAIVERS — SUPPORTED COMMUNITY LIVING SERVICES IN HOME OF  
3   FAMILY MEMBER OR PERSON LEGALLY RESPONSIBLE FOR THE MEMBER —  
4   REIMBURSEMENT.

5     1.   Beginning March 1, 2017, the department of human services  
6   shall make supported community living services available at a  
7   daily rate to members living in the home of a family member  
8   or of a person legally responsible for the member, who is the  
9   provider of the community living services.

10    2.   The department shall ensure that the provider meets the  
11   provider qualifications specified for the service provided,  
12   that there is a properly executed provider agreement, and that  
13   the family member or person legally responsible for the member  
14   has a unique ability to meet the needs of the member.

15    3.   The department shall ensure that the services provided  
16   by a person who is legally responsible for the member are  
17   deemed extraordinary care and that the provision of care by  
18   the legally responsible person is in the best interest of the  
19   member.

20    4.   For the purposes of this section, "family member"  
21   includes a person related to the member by consanguinity or  
22   affinity, including but not limited to a sibling of the member  
23   or a parent of an adult member; "a person legally responsible  
24   for the member" includes a parent of a member who is a minor  
25   or the spouse of a member; and "extraordinary care" means care  
26   exceeding the range of activities that a legally responsible  
27   individual would ordinarily perform in the household on behalf  
28   of a person without a disability or chronic illness of the  
29   same age, and which care is necessary to ensure the health and  
30   welfare of the member and to avoid institutionalization.

31    5.   A family member or person legally responsible for the  
32   member in whose home the member lives and who is providing  
33   supported community living services under an exception to  
34   policy on or before the effective date of this Act, shall  
35   be allowed to continue to provide the services and to be

1 reimbursed at the daily rate in effect on the effective date of  
2 this Act until such time as the family member or person legally  
3 responsible for the member transitions to being a supported  
4 community living services provider in accordance with this Act.

5 6. The department shall amend any Medicaid managed care  
6 contract, shall amend or adopt administrative rules pursuant to  
7 chapter 17A as necessary, and shall seek any federal approval  
8 necessary to amend home and community-based services waivers to  
9 comply with this section, effective March 1, 2017.

10 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
11 immediate importance, takes effect upon enactment.

12 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
13 retroactively to March 1, 2017.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill directs the department of human services,  
18 beginning March 1, 2017, to make available under Medicaid  
19 home and community-based services waivers the provision  
20 of and a daily rate reimbursement for supported community  
21 living services in the home of a family member or of a person  
22 legally responsible for the member, who is the provider of the  
23 community living services.

24 The department of human services shall ensure that the  
25 provider meets the provider qualifications specified for the  
26 service provided, that there is a properly executed provider  
27 agreement, and that the family member or person legally  
28 responsible for the member has a unique ability to meet the  
29 needs of the member. The department of human services shall  
30 also ensure that the services provided by a person who is  
31 legally responsible for the member are deemed extraordinary  
32 care and that the provision of care by the legally responsible  
33 person is in the best interest of the member.

34 The bill defines "family member", "a person legally  
35 responsible for the member", and "extraordinary care".

1     The bill also provides that a family member or person legally  
2 responsible for the member in whose home the member lives and  
3 who is providing supported community living services under an  
4 exception to policy on or before the effective date of the  
5 bill, shall be allowed to continue to provide the services and  
6 to be reimbursed at the daily rate in effect on the effective  
7 date of the bill until such time as the family member or person  
8 legally responsible for the member transitions to being a  
9 supported community living services provider in accordance with  
10 the bill.

11     The department of human services shall amend any Medicaid  
12 managed care contract, shall amend or adopt any administrative  
13 rules as necessary, and shall seek any federal approval  
14 necessary to amend existing Medicaid home and community-based  
15 services waivers to comply with the bill effective March 1,  
16 2017.

17     The bill takes effect upon enactment and is retroactively  
18 applicable to March 1, 2017.